

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DERICO THOMPSON #234651,

Case No. 2:20-cv-158

Plaintiff,

Hon. Robert J. Jonker
U.S. District Judge

v.

CORIZON, INC., et al.,

Defendant.

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ORDER

State prisoner Derico Thompson filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 27, 2020. (ECF No. 1.) Thompson alleged that he received inadequate medical care after he injured his back exercising at the Kinross Correctional Facility (KCF) in Kincheloe, Michigan. (ECF No. 1, PageID.3-6.) Only one claim remains at this stage of the case: Thompson’s claim against Corizon, Inc. (“Corizon”) for its alleged cost-saving policy of denying medical care unless absolutely necessary.

On February 17, 2023, Corizon filed a Notice of Bankruptcy. (ECF No. 78.) This notice indicates that Corizon filed for bankruptcy in the United States Bankruptcy Court for the Southern District of Texas. (*Id.*, PageID.1375.)

In accordance with 11 U.S.C. § 362, this action is automatically stayed as to the debtor (Corizon) until the bankruptcy proceedings in question are terminated or the stay is lifted. 11 U.S.C. § 362(c).

The automatic stay provision of the Bankruptcy Reform Act of 1978, 11 U.S.C. § 101, et seq., halts the commencement or continuation of litigation against the debtor by adverse parties; it does not divest this court of jurisdiction to issue necessary orders in civil actions which are stayed in bankruptcy. *Connell v. Walker*, 291 U.S. 1 (1934); *Donald F. Duncan, Inc. v. Royal Tops Mfg. Co.*, 381 F.2d 879 (7th Cir. 1967), *cert. denied*, 390 U.S. 905 (1968).

IT IS HEREBY ORDERED that in the interest of the effective administration of the Court's business, without prejudice to either party to this action, and in keeping with the intent and spirit of the automatic stay provision of the Bankruptcy Reform Act, 11 U.S.C. § 362, this matter is CLOSED. This closing is for administrative purposes only and does not constitute a decision on the merits. In accordance with the closing, all upcoming deadlines and hearings are cancelled. Upon termination of the aforementioned bankruptcy proceedings, or the lifting of the automatic stay with reference to the instant proceeding, the Court will allow either party to move to reopen this case. Any such motion need only refer to this order and it will be granted.

IT IS SO ORDERED.

Dated: February 27, 2023

/s/ *Maarten Vermaat*
MAARTEN VERMAAT
U. S. MAGISTRATE JUDGE